MAR 08 111 -3 31 PM

## LAW OFFICES OF LOUIS E. GITOMER

Surface trades, driability buard

Louis E. Gitomer Lou\_Gitomer@verizon.net

March 8, 2011

THE ADAMS BUILDING, SUITE 301 600 BALTIMORE AVENUE TOWSON, MARYLAND 21204-4022 (202) 466-6532 FAX (410) 332-0885

Ms. Cynthia T. Brown Chief of the Section of Administration, Office of Proceedings Surface Transportation Board 395 E Street, S.W. Washington, D. C. 20423

Dear Ms. Brown:

I have enclosed for efiling the document described below, to be recorded pursuant to 49 U.S.C. § 11301.

The document is a Termination and Release of Lease Agreement, a secondary document, dated as of December 30, 2010. The primary document to which this is connected is recorded under Recordation No. 6204. We request that one copy of this document be recorded under Recordation No. 6204-F.

The name and address of the party to the Termination and Release of Lease Agreement is:

Lessor:

Deutsche Bank Trust Company Americas, successor-in-interest to Bankers Trust Company
60 Wall Street
New York, NY 10005

A description of the equipment covered by the Termination and Release of Lease Agreement consists of three GP-40 locomotives numbered D-12, D-13, and D-14.

A see of \$41.00 is enclosed. Please return one copy by email to:

Louis E. Gitomer 600 Baltimore Avenue Suite 301 Towson, MD 21204 Lou Gitomer@verizon.net Ms. Cynthia T. Brown March 8, 2011 Page 2

A short summary of the document to appear in the index follows: a Termination and Release of Lease Agreement by Deutsche Bank Trust Company Americas, successor-in-interest to Bankers Trust Company, 60 Wall Street, New York, NY 10005 covering three GP-40 locomotives numbered D-12, D-13, and D-14.

Louis E. Gitomer

Enclosure

MSR 08 11 -3 31 PM

COLORD RESIDENTIAL ANDREGARD

## TERMINATION AND RELEASE OF LEASE AGREEMENT

This Termination and Release of Lease Agreement, dated as of December 30, 2010, is made by Deutsche Bank Trust Company Americas ("DBTCA"), as successor-in-interest to Bankers Trust Company, as Lessor ("Bankers Trust").

WHEREAS, Bankers Trust is the Lessor described in that certain Lease Supplement No. 1 dated June 22, 1971 to that certain Lease of Railroad Equipment dated as of June 1, 1971 (the "Lease Agreement") among Texas, Oklahoma & Eastern Railroad Company ("TOE"), as Lessee, Weyerhaeuser Company ("Weyerhaeuser"), as Guarantor, and Bankers Trust, as Trustee/Lessor, which was recorded at the Interstate Commerce Commission ("ICC") on June 25, 1971 at 11:45 am under Recordation No. 6204-A for one GP-40 locomotive numbered D-12 (the "One Locomotive");

WHEREAS, Lease Supplement No. 4 dated October 15, 1971 to the Lease Agreement among TOE, Weyerhaeuser, and Bankers Trust, was recorded at the ICC on October 15, 1971 at 3:40 pm under Recordation No. 6204-D for two GP-40 locomotives numbered D-13 and D-14 (the "Two Locomotives"); and

WHEREAS, as of the date hereof, all amounts due under the Lease Agreement have been paid in full.

NOW THEREFORE, For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, DBTCA, as successor to Bankers Trust, has released and discharged, and by these presents hereby terminates said Lease Agreement with regard to the One Locomotive and the Two Locomotives, and releases and discharges all the property described therein from all liens held by Bankers Trust created or described in said agreement and any renewals or extensions thereof. This release and termination shall be subject to and construed in accordance with the laws of the State of New York.

DEUTSCHE BANK TRUST COMPANY AMERICAS

By: \_\_\_\_\_\_ Ming K. Chu Vice President

By: \_\_\_\_\_ Heidi Sandquist

Title: \_\_\_\_\_ Director

State of New York )
Ss.:
County of New York )

On the 8th day of March in the year 2011 before me, the undersigned, a Notary Public mand for said state, personally appeared Ming K. Chu and Heidi Sandquist, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Bristian (1, Your Wt Notary Public

BARRARA A KNIGHT
NOTARY PIRCE State of New York
Not 1144-1734063
Outside Than York County
Commission Explies February 21 20\_15